

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEFANIE JACKSON,

Plaintiff,
vs.
Case No. 08-12155
HONORABLE DENISE PAGE HOOD

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

/

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Virginia M. Morgan's Report and Recommendation dated September 24, 2009. On October 7, 2009, Plaintiff, proceeding *pro se*, filed an Objection to the Magistrate Judge's Report and Recommendation Regarding the Denial of Plaintiff's Motion for Summary Judgment and Affirm Plaintiff's Motion Remanding for Award and Payment.

The Magistrate Judge recommended that the Court grant the Commissioner's Motion for Summary Judgment, deny Plaintiff's Motion for Summary Judgment and dismiss Plaintiff's Complaint with prejudice.

The standard of review to be employed by the Court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Plaintiff does not appear to have any specific objections to the Magistrate Judge's Report and Recommendation. Rather, Plaintiff objects to the Magistrate Judge's Order Granting the Defendant an Extension of Time within which to file the Response and Motion for Summary Judgment. *See* Dkt. No. 19. Specifically, Plaintiff objects that Defendant omitted reference to whether concurrence was sought in the filing of the Motion for Extension of Time.

The Court notes that while the title states: 'Defendant's Ex Parte Motion for Extension of Time to File Response and Motion for Summary Judgment[,]' Plaintiff did receive notice of this motion as the Certificate of Service so indicates that the motion was mailed, by United States Postal Service, to non-ECF participant Stefanie Jackson. *See* Dkt. 18, p. 3. Further, the Court has the discretion to grant motions for extension of time pursuant to Federal Rule of Civil Procedure 6(b)(1). Additionally, pursuant to the Eastern District of Michigan's Local Rules, Plaintiff was permitted to immediately move for dissolution of the order granting the enlargement of time. *See* E.D. Mich. L.R. 7.1(f). Plaintiff did not do so.

After review of Plaintiff's Complaint, Motion for Summary Judgment, Defendant's Motion for Summary Judgment and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion for the proper reasons. The Commissioner's decision that the onset date of Plaintiff's disability was May 25, 2004 is supported by substantial evidence in the record.

Accordingly,

IT IS ORDERED that Magistrate Judge Virginia M. Morgan's Report and Recommendation [**Docket No. 21, filed September 24, 2009**] is ACCEPTED and ADOPTED and this Court's factual findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Docket No. 17, filed on March 6, 2009**] is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Docket No. 20, filed on April 8, 2009**] is GRANTED.

IT IS FURTHER ORDERED that this cause of action is dismissed with prejudice.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: October 30, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 30, 2009, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager